

Marc Hooghe**2014****Cecil Meeusen**

**Is same-sex marriage legislation related to attitudes toward homosexuality?
Trends in tolerance of homosexuality in European countries between 2002
and 2010**

Sexuality Research and Social Policy, 11, accepted.

Impact factor 0.722. ©Springer, Heidelberg 2014.

Abstract

Since 2001, various Western countries have accorded legal recognition to same-sex marriages, but thus far we lack information on how this legislation is related to trends in public opinion. In most of the literature, declining levels of prejudice toward homosexuality are found to result from structural social processes (rising education, secularization, detraditionalisation), which should occur in all industrialized societies, with or without same-sex marriage. In this article, we analyse data of the five waves of the European Social Survey for the period 2002-2010. Results show that levels of prejudice are significantly lower in countries that recognize same-sex marriage, while levels are only slightly lower in countries with some form of registered partnership for gay and lesbian couples. Therefore, we can assume that same-sex marriage is indeed an issue affecting public opinion and public policy.

Keywords: same-sex marriage, prejudice toward homosexuality, social change, European Social Survey, multilevel analysis

A previous version of this article was presented at the 71st Annual Conference of the Midwest Political Science Association (MPSA), Chicago, 11-14 April 2013. We thank the participants for the very useful comments on our paper.

S U M M A R Y

Introduction

The legal recognition of same-sex marriage has been hotly debated in numerous Western societies (Sherkat, Powell-Williams, Maddox, & de Vries, 2011; Pettinicchio, 2012). While in some countries legislation was passed quite early and without too much political debate (Eeckhout & Paternotte, 2011), in other countries legal and political arguments have dragged on for a longer period of time (Gerstmann, 2008; McVeigh & Diaz, 2009). Since the start of the 21st century various countries in Western Europe and countries like Canada, Argentina, and South Africa have introduced legislation on same-sex marriage (Chamie & Mirkin, 2011). Recently, same-sex marriage legislation was also adopted by France, Uruguay and New Zealand. We know less, however, about what this diffusion process implies for broader patterns of social change with regard to homosexuality. The most straightforward assumption could be that same-sex marriage legislation is successfully implemented mostly in countries with a very liberal or tolerant public opinion. This claim, however, is not always supported by the available data. In the United States, it has been shown that population attitudes toward same-sex marriage have changed in a more liberal direction during the period 1988-2010 (Baunach, 2012), but there is not yet a clear policy solution. Other authors assign a more important role to political veto players, like Conservative or religious parties that are able to block any legislation in this area (Jaspers, Lubbers, & de Graaf, 2007). While we know that religion has a strong effect on attitudes toward homosexuality (Herek, 1987), it is striking to note that the legal adoption of same-sex marriage by parliament has occurred both in traditionally Protestant but highly secularized countries like Sweden (in 2009), as in traditionally Catholic countries like Portugal (in 2010). It is clear, therefore, that this kind of general religious divisions do not help us to explain the occurrence of same-sex marriage legislation.

Currently, there is no systematic analysis of the relation between public attitudes toward homosexuality and the legal recognition of same-sex marriage and registered partnership. From the point of agenda setting-studies and responsive government theory, it could be expected that liberal public opinion and media have an agenda-setting function and that subsequently the topic is placed on the political agenda (Hester & Gibson, 2007). Other authors have argued that the causal relation might go the other way around, as it is expected that individuals in countries where same-sex marriage or some form of registered partnership is adopted, will gradually develop a more tolerant attitude toward homosexuality (Badgett, 2009).

In this article, our goal is to assess whether there is a clear relation between public attitudes toward homosexuality and the recognition of same-sex marriage or non-marital forms of legal recognition. This research question is theoretically relevant as it allows us to investigate whether and how levels of prejudice can have an effect on government policy. It is also socially relevant as it allows us to gain a better understanding of the forces advocating or opposing the recognition of same-sex marriage. Preliminary research suggests that same-sex marriage legislation can have some public health benefits (Buffie, 2011; Hatzenbuehler, O’Cleirigh, Grasso, Mayer, Safren, & Bradford, 2012), but it can be observed that this kind of considerations hardly play a role in the public and political debate. Therefore, it is relevant to systematically compare public opinion data with government policy in order to understand what kind of forces do shape the debate on the recognition of same-sex marriage in practice.

Before we present the data and methods, we will first briefly review the literature on the determinants of (the trend in) prejudice toward homosexuality. We will focus on the trends in prejudice in Europe between 2002 and 2010, not only because most countries that have introduced same-sex marriage in this period are European, but also because high-quality comparative public opinion data on European countries are available for this period. Subsequently, we construct a multilevel pooled time series cross-section model, accounting for both individual and society level determinants of trends in prejudice toward homosexuality.

(...)

Data and Methods

Data

To analyse the relation between same-sex marriage recognition and the level of prejudice toward homosexuality, we use data from the European Social Survey (ESS 2002-2010). The ESS is a high-quality cross-sectional repeated survey conducted five times between 2002 and 2010. Individuals in more than 30 countries geographically located in Europe and Israel were questioned about their opinions, attitudes and demographics. At every wave new individuals aged 15 and over were contacted for participation in a one hour-long face-to-face interview. The ESS is especially designed to capture attitudinal change in Europe over time. In each

participating country samples were drawn using a multi-stage sampling design: administrative units were selected proportional to size, within these units households were randomly selected, and subsequently individuals within households.

In this article, we only included respondents from countries that participated in at least two of the five waves (as a result Romania, Iceland and Latvia were excluded). Because of the significant cultural differences, respondents from Turkey and Israel too were left out of the pooled data file (Takács & Szalma, 2011).¹ Finally, we split the German sample in ‘East-Germany’ and ‘West-Germany’ because we included a country-level control variable measuring the number of stable democracy years since 1919 (infra) and this variable obviously takes a different value in both parts of that country. Eventually, 224,241 respondents nested in 29 countries were included in the analyses.² Several sample designs used by the participating countries were not able to give all individuals in the population exactly the same probability of selection. Therefore, a design weight was applied for all analyses in line with the recommendations of the ESS data team (Ganninger, 2007).

Measurement

The dependent variable in this article, disapproval of homosexuality, is measured by asking respondents to evaluate the following statement: ‘gay men and lesbians should be free to live their own life as they wish’ (1=Strongly agree; 5=Strongly disagree). This item is part of the core module of the ESS and asked in every wave in all participating countries. It has to be acknowledged that measuring disapproval of homosexuality with only one item is not an optimal solution from a methodological point of view. However, the item is comparable over time in five subsequent waves of this survey and from previous research we know that prejudice toward homosexuality is predominantly one-dimensional (Hooghe & Meeusen, 2012). As such, we can assume that this single item at least provides a valid indication about the level of disapproval of homosexuality.

Figure 1 illustrates the average trend in disapproval of homosexuality within the countries that participated in all five waves of the ESS. We limit the figure to countries with five measurement points because otherwise fluctuations might occur as countries step in and out of the ESS sample. Disapproval rates are stable between 2002 and 2006 and significantly decrease in 2008 and 2010. Taking into account the different selection probabilities (design weight) and the different population sizes (population size weight) the mean score on disapproval of homosexuality for the whole sample between 2002 and 2010 is estimated as 1.90, which indicates that the attitude toward homosexuality is relatively positive. For the

countries that participated in all five waves of the ESS the correlation between survey wave and average score on disapproval is $-.07$ ($p < .001$), which implies that there is a general and significant decrease in prejudice toward homosexuality in those countries.³

[Figure 1 around here]

Individual-level demographic variables were included to control for the possibility that a changing composition of the European society might influence the trend in disapproval of homosexuality (Hooghe, 2012; Jaspers et al., 2007). We controlled for gender (0=Male; 1=Female), marital status (1=Married/Cohabiting; 2=Previously married, now divorced/widowed; 3=Never married), education, age, religious denomination, religiousness, and religious practice. Education was measured by asking respondents about their highest educational achievement. We distinguished five different education levels: primary education, lower secondary education, upper secondary education, post-secondary non-tertiary education, tertiary education. Age was measured in years starting from 15 to 100. Respondents aged below 15 or above 101 were judged to be outliers and excluded from the dataset. With regard to religious denomination, respondents were categorized in following groups: Roman Catholic, Protestant, Eastern Orthodox, Muslim, Other (Jewish, other Christian denominations, Eastern religions, other non-Christian denominations) and non-religious. To measure religious practice, respondents were asked how frequently they attend religious services (1=Never; 7=Every day). Religiousness, finally, was operationalized with the question ‘how religious are you’, which respondents had to evaluate on a 10-point scale (0=Not at all religious; 10=Very religious). Appendix 1 provides descriptive statistics for all individual-level data.

We expect all these individual-level variables to have a significant impact on the level of tolerance toward homosexuality. More precisely, we expect female, younger and higher educated respondents to be more tolerant than male, older and lower educated respondents (Treas, 2002). Also, people (more frequently) exposed to traditional socializing agents as religion, are expected to be more disapproving of homosexuality (Gerhards, 2010; Van de Meerendonk & Scheepers, 2004). With regard to marital status, unmarried persons tend to be more homophobic than married people (Hooghe & Meeusen, 2012; Kunkel & Temple, 1992).

The main independent variable of interest is the level of same-sex partnership recognition. We divided the countries in three categories depending on the partnership rights offered to the

LGBT community: (1) countries without same-sex marriage legislation, (2) countries with some form of registered partnership but not a formal recognition of marriage and (3) countries where same-sex marriage is legally possible and has exactly the same rights as all forms of marriage. The difference between the final two categories is that in registered partnership some rights are assigned to partners in that relation, while the introduction of same-sex marriage automatically implies that all married couples receive exactly the same set of rights and obligations, no matter what their gender composition might be. Only with regard to parenthood and children and adoption procedures, legal differences between different-sex and same-sex couples still exist. The classification of the countries was based on the information provided by Takács and Szalma (2011) and on documentation reports of the International LGBT and intersex association (ILGA, 2012). Previous studies by Takács and Szalma (2011) and van den Akker et al. (2013) have indicated that the adoption of same-sex marriage legislation is indeed positively related to tolerance.

Country-level controls included in the model were GDP per capita, democratic stability and the traditionally dominant religion in a country. Gross Domestic Product (GDP) per capita was calculated as the average GDP between 2000-2010 based on data from the United Nations economic commission for Europe (UNECE, 2012). GDP per capita is measured in international comparable prices by expenditure at 1,000 US\$ of 2005. The democratic stability of a country was operationalized by counting the number of years that a country has had a stable democracy since 1919 until 2011 (Polity IV, 2011). Countries as Switzerland, UK and Sweden have a stable democracy since 1919, while countries as Russia, Slovenia and Ukraine only know a stable democracy for 20 years. To define the dominant religious tradition of the participating countries, we used the classification of Andersen and Fetner (2008): Roman Catholic, Mixed Christian, Protestant and Eastern Orthodox. In Appendix 1 more details about the distribution of the variables are provided.

With regard to the country-level control variables we expect countries with greater economic security (higher GDP per capita) and a longer democratic tradition to be more tolerant toward homosexuality (Andersen & Fetner, 2008; Gerhards, 2010). It has to be noted that there is no information available on the strenght or the strategy of LGBT movements themselves in all these countries. A direct test of the thesis that a strong, active and highly visible LGBT movement has a direct impact on public opinion, therefore, cannot be conducted.

To answer the research questions, we make use of a pooled cross-section time series multilevel model with Robust Maximum Likelihood estimates. Metric variables were centered around their grand mean.

Results

Relation between same-sex marriage legislation and tolerance of homosexuality

The relationship between same-sex marriage legislation, registered partnership and tolerance of homosexuality is analysed with a sequence of multilevel models (Table 1). The base model includes both a fixed and random effect of survey year. Including these effects gives an indication of the overall trend in disapproval of homosexuality in Europe and whether this effect differs between countries. The fixed effect of survey year is $-.02$ ($p < 0.1$): Overall, disapproval of homosexuality decreases between 2002 and 2010 in Europe, including various countries in Central and Eastern Europe. However, the significant, but small, random slopes effect of survey year reveals that not all participating countries have the same trajectory with regard to disapproval of homosexuality. In a final model we will test whether this variation in trajectories can be explained with country characteristics. The covariance between the slope and the intercepts is $.009$ ($p < .01$), meaning that countries with initially high levels of tolerance, decrease at a faster rate during the observed period than countries with lower levels of tolerance. The base model also indicates that 15.5% of the variance in disapproval of homosexuality can be attributed to differences between countries, and 84.5% of the variance to differences between individuals.

In the second model we included some individual-level predictors. The predictors have effects in the expected direction: Male, older and lower educated respondents disapprove homosexuality more than female, younger and higher educated respondents. The effect of marital status is only marginal: divorced or widowed respondents are slightly more tolerant than respondents that were never married before. As expected, religion has a strong effect on disapproval of homosexuality. Except for Roman Catholics, respondents belonging to any religious denomination have higher levels of disapproval compared to non-religious respondents. Especially the strong effect of being Muslim is remarkable. Furthermore, religiousness and religious practice both have a strong positive relation with disapproval of homosexuality. Almost 13% of the individual residual variance can be explained with these predictors.

In a subsequent model, country-level predictors were added. Because the correlation between ‘years of stable democracy since 1919’ and ‘GDP per capita’ was very high ($r=.81$) it was impossible to include both controls into the same model. Therefore, we constructed two different models (model with GDP per capita in Appendix 2). Controlling for democratic stability and religious tradition, the level of same-sex marriage recognition has a strong effect on disapproval of homosexuality. Respondents in countries with registered partnership or same-sex marriage legislation tolerate homosexuality more than respondents in countries without legislation. Also, respondents in countries with same-sex marriage are more tolerant than respondents in countries with only a registered partnership procedure (this specific significance test is not shown in Table 1). Further, the higher the number of years with stable democracy and the higher the GDP per capita, the less disapproving of homosexuality a population is. The effect of the dominant religious tradition of a country is limited if we control for other country characteristics.⁴ If we control for democratic stability, we can observe that Roman Catholic and Mixed Christian countries are only slightly less disapproving than Eastern Orthodox countries (see Table 1). When we control for GDP per capita, the effect of religion even fully disappears (see Appendix 2). Almost all country-level variance is explained with these predictors, indicating that most relevant variables were included in the model.

In a last model, we included the cross-level interaction between survey year and same-sex marriage legislation. The goal of this interaction was to test whether the trend in tolerance of homosexuality differed between countries with same-sex marriage legislation, registered partnership or countries without any legal form of legal recognition. As the non-significant coefficients and the fit indices show, the differences in trajectories cannot be explained by the level of legislation. The cross-level interaction between number of years of stable democracy and survey year was negative and small, but significant ($p<.1$; not shown in Table), indicating that countries with a long democratic tradition have a steeper decline in levels of disapproval than countries with a shorter democratic tradition. Other cross-level interactions were not significant.

[Table 1 around here]

Country-specific processes in the recognition of same-sex marriage legislation

The adoption of same-sex partnership in Western Europe is partly characterized by policy convergence influenced by transnational LGBT networks (Kollman, 2007). Kollman argues

that transnational networks of elites and activists have influenced domestic policies in approving some form of same-sex partnership. However, the author also recognizes that there is still some cross-national dissimilarity in which kind of same-sex unions are approved: some countries recognize same-sex marriage, others only registered partnership. According to Kollman this can be explained by domestic factors as national religious practice and the perceived legitimacy of international norms. While we might hypothesize that other European countries will follow in recognizing same-sex marriage and same-sex partnership because of these transnational influences, the specific situation in each country will still play an important role.

The Netherlands was the first country in the world to offer marriage to same-sex couples in 2000. Opinion research shows that already from the 1960s public opinion in the Netherlands became much more tolerant toward homosexuality (Jaspers et al., 2007). The Christian-Democratic party is traditionally a major coalition partner in the Netherlands, and this party was certainly not favorable to a recognition of same-sex marriage. When in 1994, for the very first time in decades, a coalition government was formed without Christian-Democrats, the secular parties took the opportunity to introduce same-sex marriages (Badgett, 2004). A similar reasoning goes for neighboring Belgium, where public opinion also shifted already quite early, but where only from 1999 on governments could be formed without religious parties. Here, the secular parties followed the example of the Netherlands, and by 2003 the law was adopted. In Spain too, a similar political logic was followed: In 2004, a Socialist government took office, after eight years of conservative majorities. Newly-elected Prime Minister Zapatero saw it as an act of modernization to legalize same-sex marriages, despite the opposition from the still powerful Catholic Church in Spain (Calvo, 2010). Norway (2008), Sweden (2009) and Denmark (2012) are Scandinavian countries that typically have a very tolerant attitude toward sexual minorities, and they have pioneered the recognition of same-sex partnership already in the 1990s. Both within the LGBT movement, as within the population as a whole this created the impression that the problem was ‘solved’, so there was no urgent need for a full recognition of same-sex marriage. Only years after the example of the Netherlands, therefore, the Scandinavian countries introduced similar legislation (Andersson et al., 2006). Portugal, finally, also adopted same-sex marriage in 2010 despite the fact that opinion polls do not show a very favorable public opinion. The new Socialist government, however, took the opportunity to demonstrate that Portugal indeed could adopt ‘modern’ legislation.

Although there are only a few cases available, this short country-by-country overview shows that we can indeed witness a complicated interplay between a number of factors. In the Northern countries of Europe, one can indeed observe that a tolerant public opinion seems to be a factor in adopting same-sex marriage legislation. The role of the political system, however, cannot be neglected either. Left-wing governments taking office show a tendency to promote same-sex legislation, following a period of conservative governments. Finally, transnational examples also seem to play a role, most obviously in the case of Belgium following the Netherlands, and Portugal following Spain.

[Figure 2 around here]

Discussion

(...)

The strong relation between public attitudes and legislation suggests that same-sex marriage is not just an elite phenomenon, that can be explained by processes that occur within the political decision-making structures, without too much involvement of public opinion. The general line is that same-sex marriage (or registered partnership) is recognized in countries where public opinion is indeed more tolerant. Nevertheless, it is clear from the country-specific evidence that characteristics of the political elite also play a role. In the Netherlands, Belgium, Spain and Portugal one could observe the phenomenon that left-wing or secular political parties promised to open up marriage for same-sex couples, and subsequently implemented this promise once they came into office. A very preliminary conclusion therefore could be that while a tolerant population creates the opportunity to introduce same-sex marriage, political elite actors still have to be convinced to use this opportunity.

For the time being, the data do not allow us any statement about causality as this obviously would require more observations and longer periods of time. It is striking to note, however, that we do not find even the slightest indication for a backlash that could occur as a result of the legal recognition of same-sex marriage, as some more conservative authors have claimed (Badgett, 2004; Jacobi, 2006). The decline in disapproval of homosexuality seems to follow a gradual course in Western European countries and there is no indication for any abrupt changes, as a result of political debates or decisions. Although the number of observations is

too limited to revive the traditional debate on the questions whether 'stateways can change folkways', the available data rather suggest a self-reinforcement process. Obviously, the recognition of same-sex marriage does reflect a structural social characteristic and it is very likely to occur in countries with a liberal public opinion. We know that in the US in 1972 74.3% of the respondents condemned homosexual relations as wrong and that this percentage decreased to 58% in 1998 (Treas, 2002). This would allow us to predict that if US government would adequately reflect public opinion, without any major distortions or the presence of veto players, the US most likely would recognize same-sex marriage. In a subsequent phase, however, we do observe that in countries that have recognized same-sex marriage, the decline of disapproval simply continues. Public opinion clearly does not oppose any legislation in this regard. During the past decades, attitudes toward homosexuality have changed dramatically in Western societies. Recognition of same-sex marriage is to be understood not just as a consequence of this societal process, but also as part of it.

Endnotes

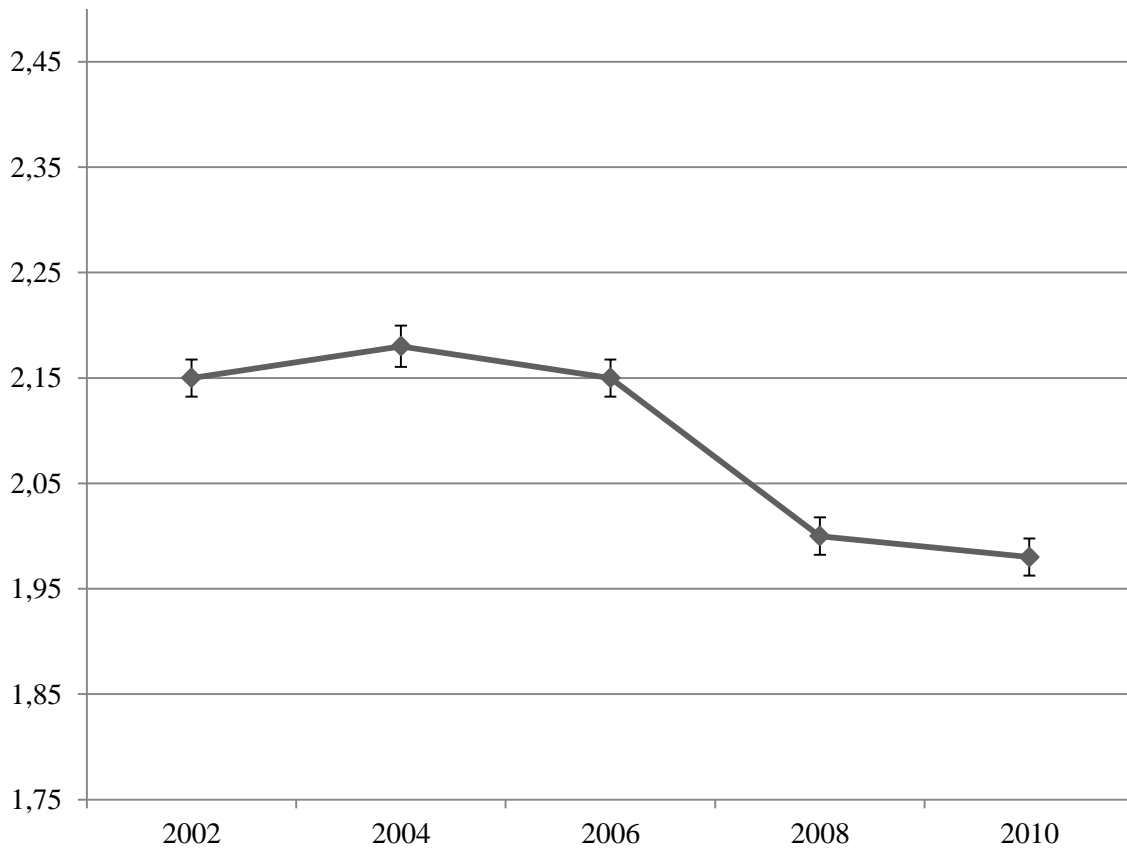
¹. The results of the multilevel model are similar if we included Israel and Turkey in the sample.

². Number of participating countries in ESS for each round:

2002: 22 countries; 2004: 25 countries; 2006: 23 countries; 2008: 27 countries; 2010: 26 countries.

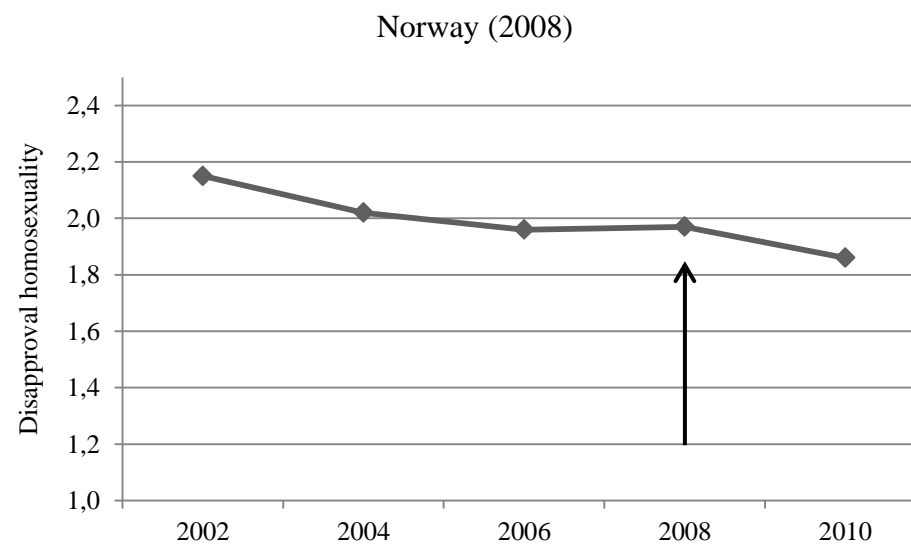
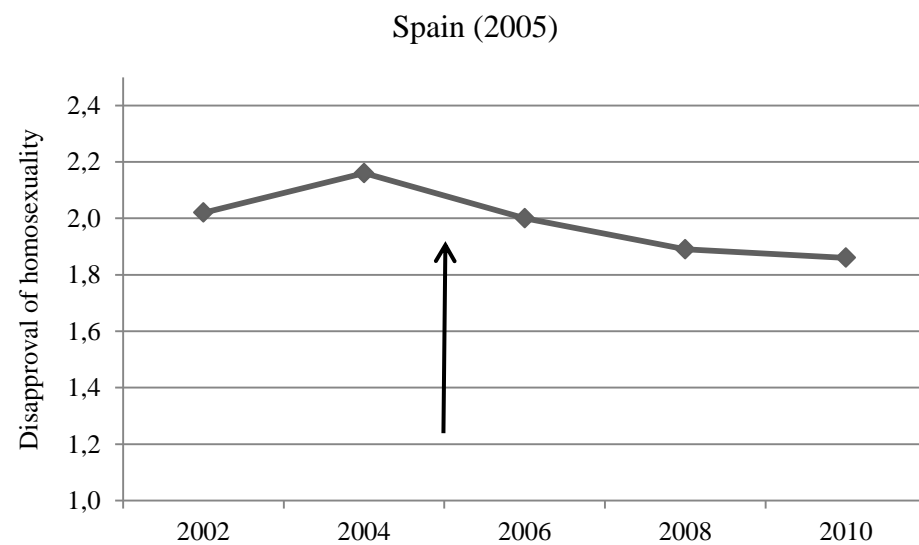
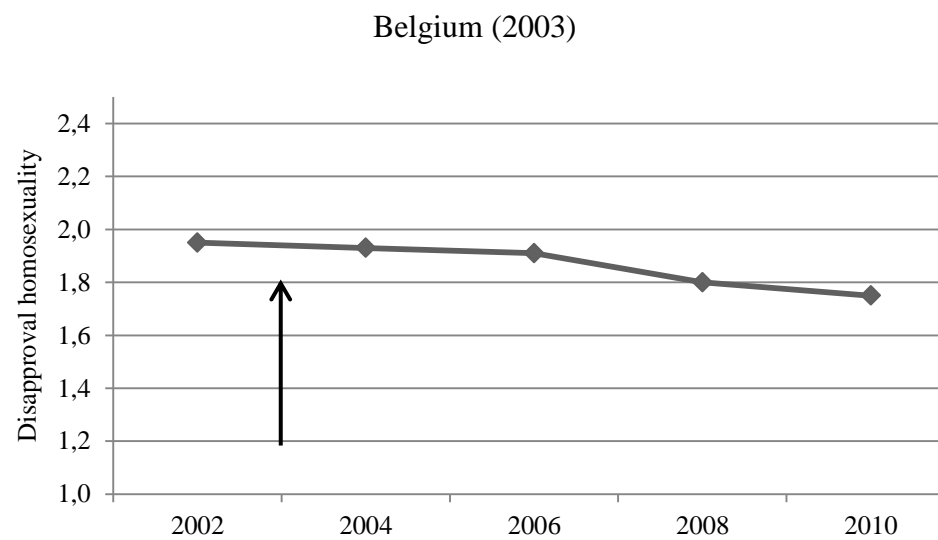
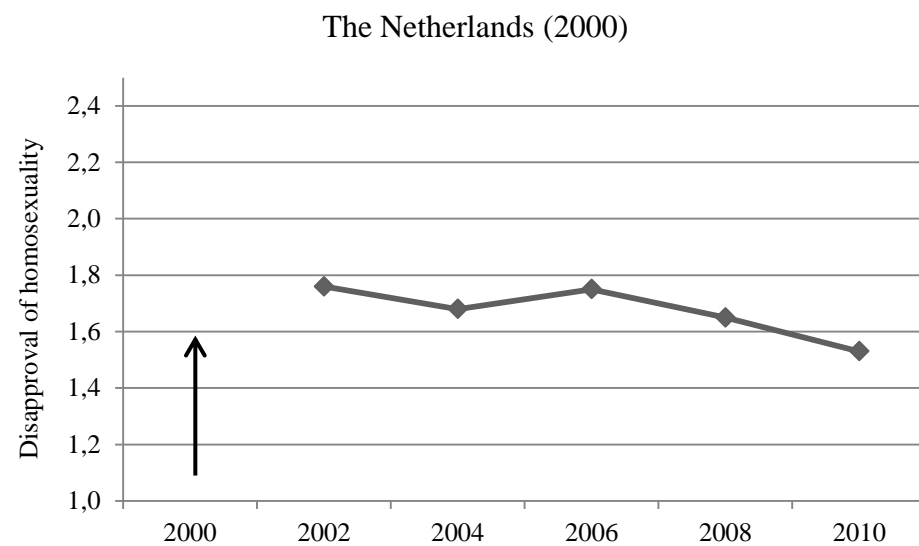
⁴. We also controlled for the importance of religion at the aggregate country-level, but the effect was not significant.

Figure 1. Trend in disapproval of homosexuality of countries included in all five waves of the ESS

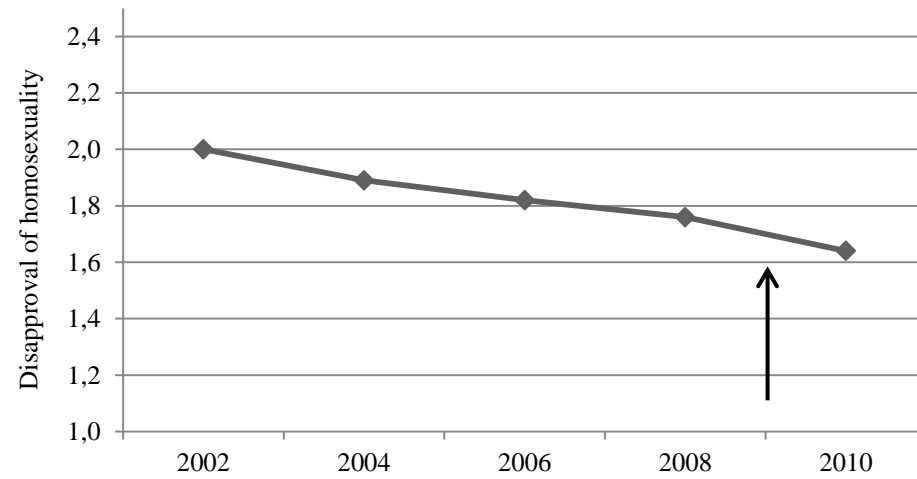


Note. To calculate the mean both the design weight and the population weight were applied. 95% confidence intervals are added to the weighted means. T-tests indicate significant differences in disapproval of homosexuality between 2004-2006, 2006-2008 and 2008-2010. Countries included in all five waves: Belgium, Switzerland, Germany, Denmark, Spain, Finland, UK, Hungary, Ireland, the Netherlands, Norway, Poland, Sweden, Slovenia, France. N=151,244. Source: ESS 2002-2010

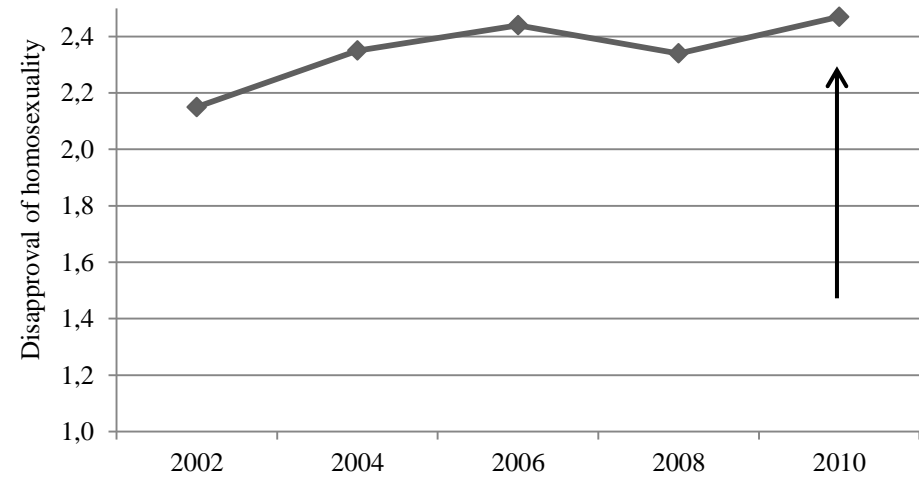
Figure 2. Trends in disapproval for countries with same-sex marriage legislation



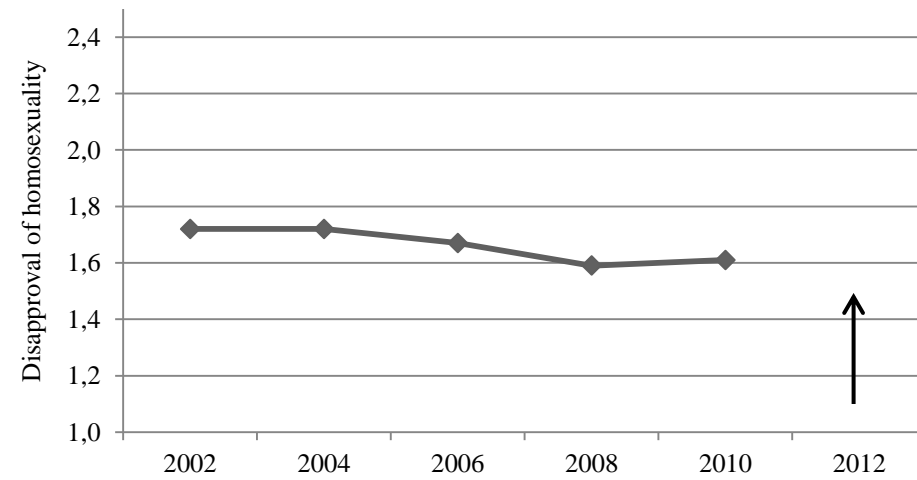
Sweden (2009)



Portugal (2010)



Denmark (2012)



Note. Country (year same-sex marriage legislation passed). Source: ESS 2002-2010

Table 1. Disapproval of homosexuality in 29 European countries

	Base model	+individual predictors	+country level predictors	+cross-level interaction term
Fixed part	B (SE)	B (SE)	B (SE)	B (SE)
Survey year	-.02 (.01)*	-.02 (.01)*	-.02 (.01)*	.00 (.03)
Gender (<i>ref. male</i>)		-.23 (.02)***	-.23 (.02)***	-.23 (.02)***
Age		.01 (.00)***	.01 (.00)***	.01 (.00)***
Education		-.09 (.01)***	-.09 (.01)***	-.09 (.01)***
Marital status (<i>ref. Never married</i>)				
Married/Cohabiting		-.00 (.01)	-.00 (.01)	-.00 (.01)
Divorced/Widowed		-.03 (.01)*	-.03 (.01)*	-.03 (.01)*
Religion (<i>ref. Not religious</i>)				
Roman Catholic		.01 (.02)	.01 (.02)	.01 (.02)
Protestant		.05 (.03)*	.05 (.03)*	.05 (.03)*
Eastern Orthodox		.12 (.06)*	.13 (.06)*	.13 (.06)*
Muslim		.64 (.07)***	.64 (.07)***	.64 (.07)***
Other		.26 (.04)***	.26 (.04)***	.26 (.04)***
Religiousness		.03 (.00)***	.03 (.00)***	.03 (.00)***
Religious practice		.10 (.01)***	.10 (.01)***	.10 (.01)***
Legislation (<i>ref. No legislation</i>)				
Registered partnership			-.14 (.07)*	-.16 (.07)*
Same-sex marriage			-.41 (.09)***	-.44 (.09)***
Years of stable democracy since 1919			-.01 (.00)***	-.01 (.00)***
Dominant religious tradition (<i>ref. Eastern Orthodox</i>)				
Roman Catholic			-.25 (.13)*	-.26 (.13)*
Mixed Christian			-.26 (.14)*	-.26 (.14)*
Protestant			.04 (.15)	.03 (.15)
Survey year*registered partnership				-.03 (.03)
Survey year*same-sex marriage				-.04 (.04)
Random part				
Intercept	2.35 (.09)***	2.66 (.08)***	2.93 (.12)***	2.95 (.12)***
Survey year slope	.004 (.002)*	.004 (.003)	.004 (.002)*	.004 (.002)
Within level variance	1.20 (.06)***	1.06 (.06)***	1.06 (.06)***	1.06 (.06)***
Between level variance	.22 (.04)***	.20 (.05)***	.02 (.00)***	.02 (.00)***
Fit				
AIC	644451	563997	563944	563946
BIC	644513	564181	564188	564211

Note. Entries are unstandardized robust maximum likelihood estimates corrected for selection bias (design weight). N=194,710. Source: ESS 2002-2010.

*p<0.1; **p<0.01; ***p<0.001